

STATE OF ILLINOIS
BEFORE THE
ILLINOIS COMMERCE COMMISSION

RECEIVED
JAN 17 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF TILTON,
VERMILION COUNTY, ILLINOIS
Petitioner

vs.

NORFOLK SOUTHERN RAILWAY COMPANY

and

CSX TRANSPORTATION, INC.

and

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION,
Respondents

T00-0103

Petition for an Order regarding a separation of grades
and construction of a new bridge and replacement of an exist
bridge carrying 14th Street (FAU 7010), Village of Tilton,
Vermilion County, Illinois, over the tracks of said Norfolk
Southern Railway Company and CSX Transportation, Inc.
respectively, apportioning cost thereof and directing an
appropriate portion thereof to be borne by the Grade
Crossing Protection Fund.

BB/503

PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

Now comes the Village of Tilton, Vermilion County, Illinois, and respectfully petitions the Honorable Commission as follows:

1. Petitioner has jurisdiction under the laws of the State of Illinois, being the Illinois Highway Code and the Illinois Municipal Code, over 14th Street (FAU 7010), a part of the Village of Tilton street system, which carries local and statewide traffic across the Norfolk Southern Railway Company and CSX Transportation, Inc. tracks in the southeast quarter of Section 18 and the northeast quarter of Section 19, Township 19 North, Range 11 West of the 2nd Principal Meridian. 14th Street is to be improved by constructing a new bridge overpass at the Norfolk Southern Railway Company track; replacement of an existing bridge at the CSX Transportation, Inc. track; roadway approach reconstruction and other miscellaneous items of construction.

2. The said improvement is vitally needed to the Village Highway system to accommodate increased vehicular traffic generated by the continued growth in the area of Vermilion County south and west of Danville, Illinois, and is necessary for the safety and security of the traveling public; the improvement will serve current and projected traffic. The grade separation is required to eliminate the frequent disruption of traffic flow caused by more than 100 percent increase in train traffic that resulted from Norfolk Southern acquisition of Conrail in 1998 (Finance Docket No. 33388) and continued switching operations conducted on the tracks. The increase in train traffic and the switching operations block the principal east-west emergency vehicle route through the Village, increasing response times for police and fire departments to emergencies in the east section of the Village.

In addition, the State of Illinois, Department of Transportation (IDOT) is currently proposing improvements to U.S. Route 150/Illinois Route 1(FAP 332) that will close exit ramps to Tilton Road (14th Street extended west). Closure of these ramps will divert significant traffic to 14th Street. Traffic on 14th Street is expected to increase by 268 percent in the near future. The loss of exit ramps and significant increases in traffic on 14th Street, combined with the increased train traffic make the improvement of this crossing a vital project for the Village of Tilton.

3. Petitioner proposes, therefore, to perform the preliminary engineering to construct a bridge overpass at the Norfolk Southern Railway Company tracks; replacement of an existing bridge at CSX Transportation, Inc. track; roadway approach reconstruction and other miscellaneous items of construction to provide for the public health, safety, welfare and convenience in the manner and upon the terms as shown on the print marked "Exhibit 1", which is the recommended improvement plan in the IDOT "Tilton Alternate Study, FA Route 332(Illinois Route 1), SN 092-0037 over the Norfolk and Southern Railroad, Section 47VBR, Vermilion County" dated February 2000.

4. Petitioner also proposes as part of the preliminary engineering for the improvement to prepare plans for removing the existing grade crossing over the Norfolk Southern Railway tracks at 14th Street.

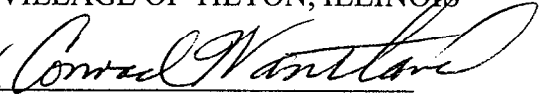
5. "Exhibit 2" attached hereto and made part hereof is the Resolution No. 00-10-12, adopted October 12, 2000, authorizing a Preliminary Engineering Services Agreement.

6. Petitioner acknowledges that it has a current Negotiated Agreement, dated April 14, 1998, with the Norfolk Southern Railway Company regarding the subject bridge and overpass crossing attached hereto and made part as "Exhibit 3", in which the Norfolk Southern Railway Company has committed to the Village and the ICC to address concerns at the intersection.

WHEREFORE, Petitioner prays that the Honorable Commission hold its hearings to the extent and by the method as may be necessary and proper, and enter such an Order, pursuant to Section 18c-7401 of "The Illinois Transportation Law", regarding a separation of grades by construction of the subject bridge crossing, and closure of the existing grade crossing, apportioned costs thereof, directing and appropriate portion thereof to be borne for the benefit of the statewide traveling public by the Grade Crossing Protection Fund and directing disbursements in relation thereto, all as may be necessary to preserve, promote and protect the safety of the public in the premises herein described.

The Petitioner further specifically requests that all necessary steps be taken by the Honorable Commission to expedite, accelerate, and advance upon its docket for immediate consideration, the matter of this petition.

Respectfully submitted,
THE VILLAGE OF TILTON, ILLINOIS

By X 

Conrad Wantland
Mayor

RESOLUTION

00-10-12

WHEREAS, an agreement has been negotiated in accordance with Village Board policy, and

WHEREAS, the improvement of the 14th Street grade crossing of the Norfolk and Southern Railroad tracks is necessary for the safety and security of the traveling public as presented in the "Village of Tilton Funding Request, Grade Crossing Protection Funds, Public Grade Separated Crossing Projects" dated January 28, 2000 and

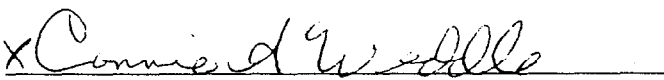
WHEREAS, the Illinois Department of Transportation has recommended the improvement of the crossing of the 14th Street crossing of the Norfolk and Southern Railroad tracks in the "Tilton Alternate Study, FA Route 332 (Illinois Route 1), SN 092-0037 over the Norfolk and Southern Railroad, Section 47VBR, Vermilion County" dated February 2000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor shall enter into an agreement with Daily and Associates, Engineers, Incorporated, 1610 Broadmoor Drive, Champaign, Illinois, covering the preparation of Contract Plans and Specifications for the Construction of a Separated Grade Crossing of 14th Street and the Norfolk and Southern Railroad tracks, actual cost estimated to be \$613,500.00, said cost not to be exceeded without prior Village Board approval.

BE IT FURTHER RESOLVED, that the Village Clerk transmit copies of this resolution to the Illinois Department of Transportation, District 5, and the Illinois Commerce Commission and to the Village Board.

Enacted and Approved this 12th day of October 2000, at Tilton, Illinois.

x 
Mayor

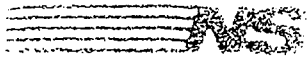
ATTEST: x 
Village Clerk

Ayes: Nays: Absent:

6

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**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
212 South Second Street
Springfield, Illinois 62701
217 522-8115

George J. Camille
Resident Vice President
Public Affairs

April 14, 1998

Honorable Conrad Wantland
Mayor
Tilton City Hall
201 West Fifth Street
Tilton, IL 61833

Dear Mayor Wantland:

Thank you for taking the time to meet with me to discuss Norfolk Southern's (NS) activities related to the Conrail transaction. I appreciate the opportunity to hear first-hand about the City's concerns regarding grade crossing issues. The only specific significant impact identified by the Draft Environmental Impact Statement (DEIS) prepared by the Surface Transportation Board (STB) for Tilton was for hazardous materials transport. The DEIS reports that the Lafayette to Tilton NS rail line segment (designated by the STB as line segment no. N-045), will experience an increase in annual car loads of hazardous materials. This letter summarizes the commitments NS is prepared to make to address this issue in the City of Tilton.

Hazardous Materials Transport

1. NS will develop and maintain Emergency Action Plans for Hazardous Materials system-wide.
2. NS will maintain and continue to improve its safety policies and procedures to reduce the risk of hazardous material incidents.
3. NS will implement the American Association of Railroads (AAR) Circular OT-55 guidelines for the safe transportation of hazardous materials, including:
 - * Placement of wayside bearing detectors no more than 40 miles apart.

Exhibit 3

Honorable Conrad Wantland
April 8, 1998
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- * Rail defect and track geometry inspections of mainline and sidings.
 - * Annual training of railroad employees who handle shipments of hazardous materials.
 - * Communication with the Local Emergency Planning Committee regarding the transport of hazardous materials through the community.
4. NS will provide hazardous materials contingency plan information to counties along the Lafayette to Tilton rail line segment for distribution to the Local Emergency Planning Committees.
 5. NS has an established 24-hour toll-free telephone line which can be used to obtain hazardous material emergency response information.
 6. NS will provide (and invites emergency response personnel from Tilton to attend) hazardous materials emergency response training drills for the rail line segment within two years of the approval of the transaction.

Additional information on NS' program for the safe transportation of hazardous materials is attached to this letter. It should be noted items 1-6 above, are anticipated to be NS' response to the need for hazardous materials transportation mitigation, as identified in the DEIS.

Additional Voluntary Community Support

→ We also discussed at length the City's concerns regarding trains blocking the 14th Street crossing. We are committed to working with Tilton and the Illinois Commerce Commission to address your concerns.


In addition, NS will make a monetary grant of \$10,000 to the City of Tilton. This grant is to be used for a traffic flow study or any other public purpose approved by your city council. This monetary grant is conditional upon the City's support of NS' acquisition of Conrail. This offer will expire on April 15, 1998.

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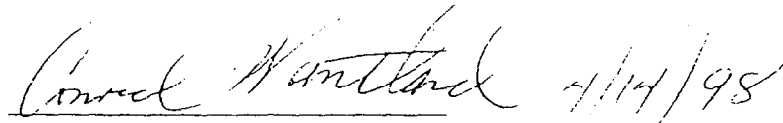
Summary

We appreciate the City's support for NS, especially as we move forward with the Conrail transaction. Of course, NS' commitments as set forth in this letter (including the monetary grant) are conditioned upon NS being able to secure the STB's approval of the Conrail transaction and implement its Operating Plan. The current schedule anticipates that STB approval of the transaction will be granted in July 1998. If these terms are acceptable to the City, please indicate your agreement in the space provided below. We look forward to working with you and the City of Tilton.

Sincerely,


George J. Camille
Resident Vice President
Norfolk Southern

Agreed:


Conrad Wantland, Mayor
City of Tilton

STATE OF ILLINOIS)
)
VILLAGE OF TILTON) ss.

Conrad Wantland, being duly sworn and upon oath deposes and states the following: That he has read and knows the content of the above and foregoing Petition, that he is duly authorized to make this Affidavit and is personally aware of the facts and circumstances set forth in the above and foregoing Petition; that the Petition is true in substance and in fact to the best of his knowledge and belief.

That he does hereby certify that a copy of the Petition in the above and foregoing matter was duly served upon the following: Mr. Bob Berry, Railroad Staff, Illinois Commerce Commission, 527 East Capitol, Springfield, IL 62701, Mr. James Slifer, Director, Division of Highways, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, IL 62764, Mr. Tom Bracey, Norfolk & Southern Railway Company, 185 Spring Street, S.W., Atlanta, GA 30303, Mr. Neil Flynn, Attorney at Law, 1035 South Second Street, Springfield, IL 62705, Mr. Kevin Sharpe, Director of Processing, Illinois Commerce Commission, 527 East Capitol, Springfield, IL 62701, Mr. Kenneth W. Mettler, CSX Transportation, Inc., 733 W. 136th St., Riverdale, IL 60627, Mr. Paul Carine, Public Product Coordinator, CSX Transportation, Inc. 4901 Belfort Road, Suite 130, Jacksonville, FL 32256, Ms. Patricia Barksdall, J-150, Senior Counsel, CSX Transportation, Inc. 500 Water St., Jacksonville, FL 32202, by mailing the same to them by Federal Express (Account # 105561245) from the Village of Tilton, 201 West Fifth Street, Tilton, Illinois 61833, on the 12th day of January, 2001 A.D.

X *Conrad Wantland*
Conrad Wantland
Mayor

Subscribed and sworn to before me
this 12th day of January 2001.

X *Connie S. Weddle*
Notary Public

